

RECEIPT NUMBER

510183

Exh. A-B

ORIGINAL

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MARIANNE WILLIAMSON,

Plaintiff,

vs.

B.G. DILWORTH,

Defendant.

JUDGE : Battani, Marianne O.  
 DECK : S. Division Civil Deck  
 DATE : 07/08/2004 @ 14:09:41  
 CASE NUMBER : 5:04CV60129  
 REMOVED - MARIANNE WILLIAMSON V B G  
 DILWORTH (DQH)

MAGISTRATE JUDGE VIRGINIA M. MORGAN

JAFFE, RAITT, HEUER & WEISS, P.C.  
 By: R. Christopher Cataldo (P 39353)  
 Attorneys for Plaintiff  
 One Woodward Ave., Ste. 2400  
 Detroit, Michigan 48226  
 (313) 961-8380

ABBOTT NICHOLSON QUILTER  
 ESSHAKI & YOUNGBLOOD, P.C.  
 By: Daniel G. Kielczewski (P 42875)  
 Attorneys for Defendant  
 300 River Place, Suite 3000,  
 Detroit, Michigan 48207-4225  
 (313) 566-2500

**NOTICE OF REMOVAL**

NOW COMES Defendant, B.G. DILWORTH, by and through his counsel, ABBOTT NICHOLSON QUILTER ESSHAKI & YOUNGBLOOD, P.C., who files this Notice of Removal based on the following:

1. Plaintiff, MARIANNE WILLIAMSON, filed this action in the Circuit Court for the County of Wayne, State of Michigan, on April 2, 2004, as Case No. 04-409971 CZ, where it is now pending.
2. Notice of Plaintiff's Summons and Complaint was received by Defendant, on June 10, 2004, via communication from his New York counsel. Defendant was not directly served with the Summons and Complaint.

3. This Notice of Removal is filed by Defendant B.G. Dilworth within thirty (30) days of service of the Summons and Complaint in accordance with the provisions of 28 U.S.C. § 1446. Defendant B.G. Dilworth shall file his response to the Complaint in accordance with Fed. R. Civ. P. 81(c).

4. Plaintiff, according to her Complaint, is a resident of the state of Michigan.

5. Defendant B.G. Dilworth is a resident of the state of New York.

6. Plaintiff has alleged in the Complaint damages in excess of \$1 million, exclusive of interest and costs.

7. Because there is diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00, this Court has jurisdiction under 28 U.S.C. § 1332.

8. Notice of this Removal has been served on counsel for Plaintiff and on the Clerk of the Court, Wayne County Circuit Court.

9. Attached are copies of the following documents filed in the Wayne County Circuit Court: Complaint filed by Plaintiff (Exhibit A); Notice of Filing Notice of Removal served on counsel for Plaintiff (Exhibit B).

WHEREFORE, Defendant B.G. Dilworth prays that Civil Action No. 04-409971 CZ, pending in the Circuit Court for the County of Wayne (Michigan) be removed to the United States District Court for the Eastern District of Michigan, Southern Division.

Dated: July 8, 2004

Respectfully submitted,

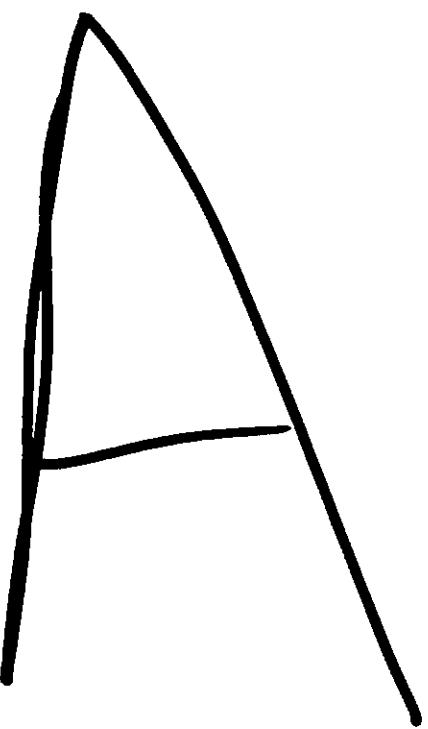
ABBOTT NICHOLSON QUILTER  
ESSHAKI & YOUNGBLOOD, P.C.

By:

Daniel G. Kielczewski

Daniel G. Kielczewski (P 42875)  
Attorneys for Defendant  
300 River Place, Suite 3000  
Detroit, Michigan 48207-4225  
(313) 566-2500

177963:1



JURY FEE PAID

STATE OF MICHIGAN

THIS DATE: 7/8/04

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MARIANNE WILLIAMSON,

Plaintiff,

04-409971 CZ 4/02/2004  
JDG:LOUIS F. SIMMONS JR.  
WILLIAMSON MARIANNE  
VS  
DILWORTH B G.

v

B.G. DILWORTH,

Defendant.

R. Christopher Cataldo P39353  
Jaffe, Raitt, Heuer & Weiss, PC  
Attorney for Plaintiff  
One Woodward Ave., Ste. 2400  
Detroit, MI 48226  
(313) 961-8380

COMPLAINT AND JURY DEMAND

[There is no other pending or resolved civil action between these two parties arising out of the same transaction or occurrence as alleged in the complaint.]

Plaintiff Marianne Williamson, through her undersigned counsel, complains as follows against Defendant B.G. Dilworth as follows:

1. Plaintiff Marianne Williamson ("Williamson") is an individual residing in Wayne County, Michigan.
2. Defendant B.G. Dilworth ("Dilworth") is an individual residing in the state of New York.
3. Dilworth is subject to personal jurisdiction in Michigan pursuant to MCL 600.705 et. seq. as he regularly and systematically conducts and transacts business within the state of Michigan, and because he has caused acts and events to occur

which have caused tortious and other economic injuries to persons located in the state of Michigan.

4. The amount in controversy exceeds \$25,000 exclusive of interest and costs. Venue is proper in this Court.

5. Williamson is an author who retained Authors & Artists Group, Inc. ("AA") and its principals, Al Lowman ("Lowman") and Dilworth, as her literary agents to represent her in connection with her contracts with various publishers. In connection therewith, AA was to retain no more than 15% of Plaintiff's royalties as their payment in full for services rendered on behalf of Williamson. Pursuant to this agreement, AA began collecting royalties on Williamson's behalf from various publishers. Defendant Dilworth is an employee, agent, and principal of AA who was extensively involved with her account as well as the operations and finances of AA, as he ran the business for extended periods, such as when Lowman was away.

6. Unbeknownst to Williamson, AA received numerous royalty payments from various publishers on her behalf and converted for themselves the proceeds of 100% of those payments and failed or refused to remit payments to Williamson the 85% balance that she was to receive. Defendant Dilworth played an active role in this plan and scheme to defraud Plaintiff to such an extent that it could not have been accomplished without him. Dilworth and AA fraudulently concealed their activities. Not only did Dilworth and AA fail to disclose the royalty payments to Williamson, they also lied to her accountant about them, telling her that they had received no royalty payments from publishers, when in fact they were receiving substantial payments.

7. Dilworth aided and facilitated AA's conversion and diversion of her funds, which was done intentionally and deliberately with the express purpose of defrauding Williamson by denying her possession of her rightful property and money so that AA could convert it to its own use. Dilworth actively and/or passively worked to divert these funds for the benefit of Lowman and AA, who could not have accomplished their scheme without him. The amount of the theft exceeds \$1 million.

8. Williamson recently discovered the theft by chance. Despite demand, AA failed or refused to pay Williamson the amount full amount owed, although one partial payment has been made by AA. However, as of this date, Williamson is still owed in excess of \$1 million due to Dilworth's participation in the fraud.

COUNT I

9. Paragraphs 1 through 8 are incorporated by reference.

10. Dilworth represented Williamson in an agency capacity, and as such owed to her the duty of loyalty and disclosure of a fiduciary.

11. In violation of his fiduciary duty, the Defendant has defrauded Williamson by knowingly, intentionally and fraudulently retaining for AA the funds collected on Williamson's behalf which Dilworth knew or should have known should have been paid to Williamson.

12. Dilworth further violated his fiduciary duties to Williamson by failing to disclose his activities, and by lying to her and her accountant for the purpose of concealing his and AA's actions from her.

13. Williamson has been damaged by the Defendants' breach of fiduciary duty by an amount in excess of \$1,000,000, plus interest, costs and attorney fees, or such other amount as determined at trial.

COUNT II

14. Paragraphs 1 through 13 are incorporated by reference.
15. Dilworth's conduct as described above constitutes fraud. Dilworth has committed fraud for the purpose of enriching AA at Williamson's expense.
16. As a result of the Defendant's fraudulent acts, Williamson has been damaged by an amount in excess of \$1 million.

COUNT III

17. Paragraphs 1 through 16 are incorporated by reference.
18. Dilworth's conduct as described above constitutes a breach of contract.
19. Williamson has been damaged by the breach of contract by an amount exceeding \$1 million.

COUNT IV

20. Paragraphs 1 through 19 are incorporated by reference.
21. Defendant Dilworth aided, facilitated and knowingly cooperated with Lowman and AA to exercise unauthorized dominion and control over the property of Williamson.
22. Lowman and AA have converted the property of Williamson by refusing to return her property upon demand.
23. Defendant Dilworth is liable for statutory and common law conversion for his role in facilitating the conversion committed by Lowman and AA, and is liable for

three times the actual damages incurred by Williamson as a result of their conversion of her property by statute.

WHEREFORE, Williamson requests the following relief:

- A) The entry of a money judgment in her favor and against the Defendant in such amount as determined at trial exceeding \$1,000,000, or such other amount as is determined, plus an award of interest, costs and attorney fees; and
- B) An award of three times actual damages against Defendant, plus interest, costs and attorney fees; and
- C) An award of exemplary damages against Defendant due to the outrageous nature of the conduct; and
- D) Such other relief in Williamson's favor to which she is entitled at law or in equity.

JURY DEMAND

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY.

Respectfully Submitted,

R. Christopher Cataldo P39353  
Jaffe, Raitt, Heuer & Weiss, PC  
Attorney for Plaintiff  
One Woodward Ave., Ste. 2400  
Detroit, MI 48226  
(313) 961-8380

Dated: April 2, 2004

2

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MARIANNE WILLIAMSON,

Plaintiff,

vs.

Case No. 04-409971 CZ  
Hon. Louis F. Simmons, Jr.

B.G. DILWORTH,

Defendant.

---

JAFFE, RAITT, HEUER & WEISS, P.C.  
By: R. Christopher Cataldo (P 39353)  
Attorneys for Plaintiff  
One Woodward Ave., Ste. 2400  
Detroit, Michigan 48226  
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ABBOTT NICHOLSON QUILTER  
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By: Daniel G. Kielczewski (P 42875)  
Attorneys for Defendant  
300 River Place, Suite 3000  
Detroit, Michigan 48207-4225  
(313) 566-2500

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**NOTICE OF FILING NOTICE OF REMOVAL**

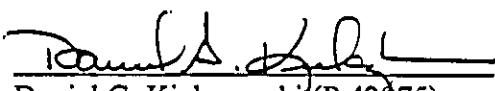
PLEASE TAKE NOTICE that B.G. DILWORTH, Defendant in the above-captioned matter, has this date filed a Notice of Removal in the United States District Court for the Eastern District of Michigan, Southern Division, thereby removing the above-captioned matter to said Court. A copy of the Notice of Removal and Affidavit of Service are attached hereto as Exhibit A.

Dated: July 8, 2004

Respectfully submitted,

ABBOTT NICHOLSON QUILTER  
ESSHAKI & YOUNGBLOOD, P.C.

By:

  
Daniel G. Kielczewski (P 42875)  
Attorneys for Defendant  
300 River Place, Suite 3000  
Detroit, Michigan 48207-4225  
(313) 566-2500

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARIANNE WILLIAMSON,

Plaintiff,

vs.

B.G. DILWORTH,

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JUDGE : Battani, Marianne O.  
DECK : S. Division Civil Deck  
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CNP MARIANNE WILLIAMSON V B G  
DILWORTH (DQH)

MAGISTRATE JUDGE VIRGINIA M. MORGAN

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DECLARATION OF SERVICE

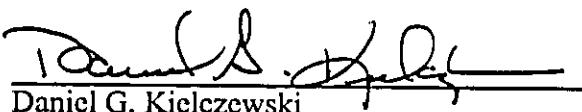
Daniel G. Kielczewski declares and says that he is not a party to the above-entitled action and that on the 8<sup>th</sup> day of July, 2004, he served a copy of the attached *Notice of Removal*, and this *Declaration of Service* upon:

R. Christopher Cataldo, Esq.  
JAFFE, RAITT, HEUER & WEISS, P.C.  
One Woodward Ave., Ste. 2400  
Detroit, Michigan 48226

by placing said documents in properly-addressed envelopes, first class mail, and having same deposited in the receptacle for United States Mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2004.

  
\_\_\_\_\_  
Daniel G. Kielczewski

ORIGINAL

JS 44 11/99

**CIVIL COVER SHEET** COUNTY IN WHICH THIS ACTION AROSE: New York

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**I. (a) PLAINTIFFS**

Marianne Williamson

**DEFENDANTS**

B.G. Dilworth

04-60129

JUDGE MARIANNE O. BATTANI

MAGISTRATE JUDGE VIRGINIA M. MORGAN  
County of Residence of Plaintiff

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(b) County of Residence of First Listed

Wayne

26163

Attorneys (If Known)

Daniel G. Kielczewski (P 42875)  
300 River Place, Suite 3000  
Detroit, Michigan 48207-4225**II. BASIS OF JURISDICTION** (Place an "X" In One Box Only) 1 U.S. Government Plaintiff 3 Federal Question  
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity  
(Indicate Citizenship of Parties in Item 111)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" In One Box for Plaintiff and One Box for Defendant)

	PLA	DEF	PLA	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IV. NATURE OF SUIT** (Place an "X" In One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Med, Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault Libel And Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce/ICC
<input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 386 Product Liability		<input type="checkbox"/> 875 Customer Challenge 12 LISC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 892 Economic Stabilization Act
<b>REAL PROPERTY</b>				
<input type="checkbox"/> 210 Land Condemnation	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	Habeas Corpus:		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 (specify)  6 Multi district Litigation  7 Judge from Magistrate

Transferred from another district

Appeal to District

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.)  
Do not cite jurisdictional statutes unless diversity.)

The Court has jurisdiction pursuant to 28 USC § 1332.

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **\$DEMAND** **CHECK YES only if demanded in complaint:**  Yes  No

**VIII. RELATED CASE(S) Instructions:**  
(See if ANY)

JUDGE

DOCKET NUMBER

DATE

7/8/04

SIGNATURE OF ATTORNEY OF RECORD

Daniel S. Kielczewski (P42875)

1. Is this a case that has been previously discontinued or dismissed?

YES

NO

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

YES

NO

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

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Notes: